

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

URVE MAGGITI,
Plaintiff,

v.

MICHAEL PULLANO, et al.,
Defendants.

CIVIL ACTION

NO. 23-5141

ORDER

AND NOW, this 12th day of September, 2024, upon consideration of *pro se* Plaintiff's pending Motion to Strike Defendants' Motion to Dismiss (ECF No. 14), **IT IS ORDERED** that the Motion is **DENIED**.¹ Plaintiff has 14 days to respond to Defendant's Motion to Dismiss (ECF No. 9).²

BY THE COURT:

/s/ **Hon. Kelley B. Hodge**

HODGE, KELLEY B., J.

¹ In response to Defendants' Motion to Dismiss, Plaintiff has filed a Motion to Strike under Fed. R. Civ. P. 12(f). Rule 12 provides for the ways in which a party may respond to a pleading. Rule 12(f) allows for the Court to "strike *from a pleading* an insufficient defense or any redundant, immaterial, impertinent, or scandalous matter." Fed. R. Civ. P. 12(f) (emphasis added). Defendants' Motion to Dismiss for failure to state a claim upon which relief can be granted is not a pleading. Rather, it is one of the defenses allowed for under Rule 12. *See* Fed. R. Civ. P. 12(b)(6). Plaintiff has the right to respond to Defendants' Motion. However, she must do so through the appropriate filings, in this case, a Response to the Motion to Dismiss, within 14 days. *See* E.D. Pa. Civ. R. 7.1(c).

² The Court reminds Plaintiff that Civil Action No. 23-5141 has been consolidated with the lead case, Civil Action No. 23-2273. Plaintiff should file her Response only in the lead case per the Court's September 10, 2024 Order.